



STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

April 18, 2011

The Honorable Russell Pearce  
President  
Arizona State Senate  
1700 West Washington Street  
Phoenix, Arizona 85007

Re: Senate Bill 1467 (educational institution; concealed weapons)

Dear President Pearce:

Today I vetoed Senate Bill 1467 because it is so poorly written. Bills impacting our Second Amendment rights have to be crystal clear so that gun owners don't become lawbreakers by accident. Two examples of this lack of clarity in the bill are: (1) the failure to define the key phrase "public right-of-way" where weapons can be carried, and (2) the inclusion of K-12 schools where federal and state laws generally prohibit weapons on K-12 school grounds.

First, Senate Bill 1467 would prohibit educational institutions from banning weapons on a "public right-of-way." However, legislators inexplicably decided not to define "public right-of-way" in the bill. There are four differing definitions currently found in Arizona statutes but none apply to this bill. What is really puzzling is that this error was pointed-out during the legislative process. One proponent of the bill stated that a court will have to be the final arbiter in deciding what constitutes a "public right-of-way." We don't need the courts to write our gun laws. That is the job of the Legislature.

Second, the bill is widely advertised as applying to only universities and community colleges. However, the bill clearly applies to an "educational institution," which includes our K-12 schools. The bill also expressly provides that it supersedes A.R.S. § 15-341, which allows a K-12 school district to adopt and enforce policies and procedures to prohibit a person from carrying or possessing a weapon on school grounds. Although both state and federal law will continue to generally prohibit weapons on K-12 school grounds, Senate Bill 1467 confuses the

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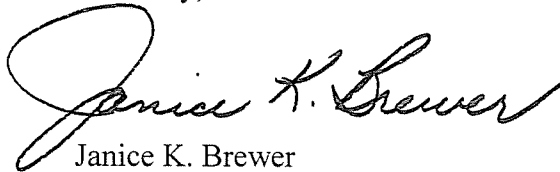
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issue by expressly prohibiting K-12 governing boards from making rules to enforce these prohibitions in public rights-of-way at K-12 schools.

Also, I believe that key concepts in the bill were lost during the legislative process. For example, I believe that the concealed carry weapon (CCW) permit holder concept in the original bill should be considered in any future campus carry legislation.

In conclusion, while I support the thoughtful expansion of where firearms should be allowed, the actual legislation that does so must be both unambiguous and clear to protect the Second Amendment rights of lawful gun owners. Senate Bill 1467 is neither.

Sincerely,

A handwritten signature in black ink, reading "Janice K. Brewer". The signature is fluid and cursive, with the first name "Janice" being the most prominent part.

Janice K. Brewer

Governor

cc: The Honorable Kirk Adams  
The Honorable Ron Gould

Senate Engrossed

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# SENATE BILL 1467

AN ACT

AMENDING SECTION 13-2911, ARIZONA REVISED STATUTES; RELATING TO OFFENSES  
AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2911, Arizona Revised Statutes, is amended to  
3 read:

4 13-2911. Interference with or disruption of an educational  
5 institution; violation; classification; definitions

6 A. A person commits interference with or disruption of an educational  
7 institution by doing any of the following:

8 1. Intentionally, knowingly or recklessly interfering with or  
9 disrupting the normal operations of an educational institution by either:

10 (a) Threatening to cause physical injury to any employee or student of  
11 an educational institution or any person on the property of an educational  
12 institution.

13 (b) Threatening to cause damage to any educational institution, the  
14 property of any educational institution or the property of any employee or  
15 student of an educational institution.

16 2. Intentionally or knowingly entering or remaining on the property of  
17 any educational institution for the purpose of interfering with the lawful  
18 use of the property or in any manner as to deny or interfere with the lawful  
19 use of the property by others.

20 3. Intentionally or knowingly refusing to obey a lawful order given  
21 pursuant to subsection C of this section.

22 B. To constitute a violation of this section, the acts that are  
23 prohibited by subsection A, paragraph 1 of this section are not required to  
24 be directed at a specific individual, a specific educational institution or  
25 any specific property of an educational institution.

26 C. The chief administrative officer of an educational institution or  
27 an officer or employee designated by the chief administrative officer to  
28 maintain order may order a person to leave the property of the educational  
29 institution if the officer or employee has reasonable grounds to believe  
30 either that:

31 1. Any person or persons are committing any act that interferes with  
32 or disrupts the lawful use of the property by others at the educational  
33 institution.

34 2. Any person has entered on the property of an educational  
35 institution for the purpose of committing any act that interferes with or  
36 disrupts the lawful use of the property by others at the educational  
37 institution.

38 D. The appropriate governing board of every educational institution  
39 shall adopt rules pursuant to title 41, chapter 6 for the maintenance of  
40 public order on all property of any educational institution under its  
41 jurisdiction that is used for educational purposes and shall provide a  
42 program for the enforcement of its rules. The rules shall govern the conduct  
43 of students, faculty and other staff and all members of the public while on  
44 the property of the educational institution. Penalties for violations of the  
45 rules shall be clearly set forth and enforced. Penalties shall include

1 provisions for the ejection of a violator from the property and, in the case  
2 of a student, faculty member or other staff violator, the violator's  
3 suspension or expulsion or any other appropriate disciplinary action. A  
4 governing board shall amend its rules as necessary to ensure the maintenance  
5 of public order. Any deadly weapon, dangerous instrument or explosive that  
6 is used, displayed or possessed by a person in violation of a rule adopted  
7 pursuant to this subsection shall be forfeited and sold, destroyed or  
8 otherwise disposed of pursuant to chapter 39 of this title. This subsection  
9 does not do either of the following:

10 1. Preclude school districts from conducting approved gun safety  
11 programs on school campuses.

12 2. Apply to private universities, colleges, high schools or common  
13 schools or other private educational institutions.

14 E. An educational institution is not eligible to receive any state aid  
15 or assistance unless rules are adopted in accordance with this section.

16 F. This section does not prevent or limit the authority of the  
17 governing board of any educational institution to discharge any employee or  
18 expel, suspend or otherwise punish any student for any violation of its  
19 rules, even though the violation is unlawful under this chapter or is  
20 otherwise an offense.

21 G. NOTWITHSTANDING SUBSECTION D OF THIS SECTION AND SECTION 15-341,  
22 THE GOVERNING BOARD OF AN EDUCATIONAL INSTITUTION SHALL NOT ADOPT OR ENFORCE  
23 ANY POLICY OR RULE THAT PROHIBITS THE LAWFUL POSSESSION OR CARRYING OF A  
24 WEAPON ON A PUBLIC RIGHT-OF-WAY.

25 ~~G.~~ H. This section may be enforced by any peace officer in this state  
26 wherever and whenever a violation occurs.

27 ~~H.~~ I. Restitution under sections 8-341, 8-345 and 13-603 applies to  
28 any financial loss that is suffered by a person or educational institution as  
29 a result of a violation of this section.

30 ~~I.~~ J. Interference with or disruption of an educational institution  
31 pursuant to subsection A, paragraph 1 of this section is a class 6 felony.  
32 Interference with or disruption of an educational institution pursuant to  
33 subsection A, paragraph 2 or 3 of this section is a class 1 misdemeanor.

34 ~~J.~~ K. For the purposes of this section:

35 1. "Educational institution" means, except as otherwise provided, any  
36 university, college, community college, high school or common school in this  
37 state.

38 2. "Governing board" means the body, whether appointed or elected,  
39 that has responsibility for the maintenance and government of an educational  
40 institution.

41 3. "Interference with or disruption of" includes any act that might  
42 reasonably lead to the evacuation or closure of any property of the  
43 educational institution or the postponement, cancellation or suspension of  
44 any class or other school activity. For the purposes of this paragraph, an

1 actual evacuation, closure, postponement, cancellation or suspension is not  
2 required for the act to be considered an interference or disruption.

3 4. "Property of an educational institution" means all land, buildings  
4 and other facilities that are owned, operated or controlled by the governing  
5 board of an educational institution and that are devoted to educational  
6 purposes.

Passed the House April 7, 2011,

by the following vote: 33 Ayes,  
24 Nays, 3 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate March 17, 2011,

by the following vote: 21 Ayes,  
7 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 2011,

at 11:15 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1467

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State